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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/773,540

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Se-Woong Park

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02/03/2004

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EXAMINER

BALI, VIKKRAM

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 02/03/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,540

Applicant(s)

PARK, SE-WOONG

Examiner

Vikkram Bali

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujieda et al (US 5764341) in view of Applicants Admitted Prior Art (AAPA).

With respect to claim 6 (as exemplary claim), Fujieda discloses a fixing frame, an optical axis adjustment unit having a vertical movement ... and a horizontal movement ... adjusting the optical axis of the image recognition unit, (see figure 1, numerical 1 for the fixing frame, and numerical 4 for the alignment unit that helps to align the apparatus to the eye see col. 3, lines 40-45). However, he fails to disclose the integral parts of the iris recognition apparatus such as a guidance unit, a light to provide illumination of the eye, an image recognition unit, as claimed. But, as detailed in the specification (see pages 1, last 2 lines to page 2 first two paragraphs) it is noted that the iris recognition system and all the parts such as a guidance unit, a light to provide illumination of the eye, an image recognition unit, are well known and being used conventionally as admitted by the applicant AAPA.

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Therefore, it would have been obvious to one ordinary skilled in the art at the time of invention to simply use the well known features of the iris recognition system in to the Fujieda's system of alignment and measuring of an eye as it is conventionally use in the art (as can be seen by the instant specification see page 1 last two lines). And, this modification provides an apparatus that will do the iris recognition more precisely because the apparatus will align the eye with the optical axis.

With respect to claim 7, Fujieda further discloses guidance region printed at a center of a front surface (see col. 3, lines 63-65 light is disposed at center) as claimed.

With respect to claim 8, Fujieda further discloses transmitting the infrared radiations, (see col. 4, lines 44-45) as claimed.

With respect to claims 9 and 10, Fujieda further discloses the horizontal movement unit ... moves linearly; and rotationally (see col. 4, lines 17-26) as claimed.

With respect to claims 11-14, Fujieda further discloses horizontal movement ... of the fixing frame ... frame having a hole at a center, frame having an extrusion unit formed at the center ... and the horizontal movement frame having a adjustment guide; adjustment guide is formed higher than other portions; more than one long rotation guide hole formed; fixing part is coupled to the long rotation guide hole, (see figure 2,

the fixing frame 1 has the long rotation hole 6d, the frame moves horizontally on that numerical 6b from the center hole to the edge of the fixing frame) as claimed.

With respect to claims 15-17, Fujieda further discloses a lifting frame on top of the fixing frame, lifting control, a lifting guide bar extended from the vent holes to the fixing frame; lifting guide has a screw; elastic member is installed on an outer surface of the lifting guide bar, (see figure 2, numerical 4 for the lifting guide bar extended from the hole of the frame i.e. fixing frame numerical 1, its an screw as it rotates in order to vertically adjust the apparatus figure 3a the two bars connecting numerical 5 to 3 helps to vertically adjust the apparatus the lifting frame, the joystick numerical 4 obviously has the elastic member on the outer surface in order to maintain the center balance) as claimed.

Claims 1-5 and 18-23 are rejected for the same reasons as set forth in the rejection of claims 6-10 and 6-17 respectively, because claims 1-5 and 18-23 are more broader claims and claiming the subject matter similar as claimed in claims 6-10 and 6-17 respectively.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikkram Bali whose telephone number is 703.305.4510. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703.308.6604. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.0377.

Vikkram Bali
Examiner
Art Unit 2623



vb
January 29, 2004